

**REMARKS**

Claims 9 - 16 are pending in the application. The Office Action has been considered.

Restriction was required between two groups of claims:

Group I, claims 9-12, drawn to a milling procedure; and

Group II, claims 13-16, drawn to a milling procedure.

Election is made to the method claims 9-12, for examination at this time, with traverse. Applicant respectfully submits that the restriction is improper for the following reasons.

The Examiner asserted that the two groups lack a single general inventive concept, *i.e.*, unity, because of U.S. Patent No. 5,429,504 to Peltier, and particular Fig. 6. The Office Action did not explain why he believes Peltier is relevant to the claims.

Applicant assumes that the Office is taking the position that Peltier discloses the subject matter recited in claim 6 directed to the milling tools, and therefore there is *a posteriori* a lack of unity. Applicant disagrees. Claim 6 recites, *inter alia*, "tissue retention zones are formed between the spiral grooves in order to store the tissue extracted during the milling process." Peltier in Fig. 6 shows grooves 7 hollowed out in the drill body into which are placed ring 13. There is no disclosure that the areas between the spiral grooves store the tissue extracted during the milling process. Thus, the common technical feature of claims 9 and 13 of the retention zones does define a contribution over the prior art, and the claims satisfy the unity of invention requirement. Accordingly, withdrawal of the restriction requirement is respectfully requested.

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Response dated October 1, 2009  
OA dated September 1, 2009

Applicant respectfully awaits the results of a first examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By /Ronni S. Jillions/  
Ronni S. Jillions  
Registration No. 31,979

RSJ:me  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
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